

Council Regulation (EC) No 1083/2006 - 11 July 2006

Corrigenda: 1083/2006: 1.9.2006, 7.6.2007, 12.11.2008; 1989/2006: 2.2.2007

Article/Annex amended	Paragraph	Original version (Original regulation or previous consolidated version in case of more than one amendment of the same article)	Consolidated version	Regulation amended by	Amend.
Art. 39: Content		As part of an operational programme, the ERDF and the Cohesion Fund may finance expenditure in respect of an operation comprising a series of works, activities or services intended in itself to accomplish an indivisible task of a precise economic or technical nature, which has clearly identified goals and whose total cost exceeds EUR 25 million in the case of the environment and EUR 50 million in other fields (hereinafter referred to as major projects).	As part of an operational programme or operational programmes , the ERDF and the Cohesion Fund may finance expenditure comprising a series of works, activities or services intended in itself to accomplish an indivisible task of a precise economic or technical nature which has clearly identified goals and whose total cost exceeds EUR 50 million (hereinafter a major project).	Regulation (EU) No 539/2010 - 16 June 2010	replaced
Art. 40: Information submitted to the Commission		The Member State or the managing authority shall provide the Commission with the following information on major projects: (a) information on the body to be responsible for implementation; (b) information on the nature of the investment and a description of it, its financial volume and location; (c) the results of the feasibility studies; (d) a timetable for implementing the project and, where the implementation period for the operation concerned is expected to be longer than the programming period, the phases for which Community co-financing is requested during the 2007 to 2013 programming period; (e) a cost-benefit analysis, including a risk assessment and the foreseeable impact on the sector concerned and on the socio-economic situation of the Member State and/or the region and, when possible and where appropriate, of other regions of the Community; (f) an analysis of the environmental impact; (g) a justification for the public contribution; (h) the financing plan showing the total planned financial resources and the planned contribution from the Funds, the EIB, the EIF and all other sources of Community financing, including the indicative annual plan of the financial contribution from the ERDF or the Cohesion Fund for the major project. The Commission shall provide indicative guidance on the methodology to be used	The Member State or the managing authorities shall provide the Commission with the following information on major projects: (a) information on the body to be responsible for implementation; (b) information on the nature of the investment and a description of it, its financial volume and location; (c) the results of the feasibility studies; (d) a timetable for implementing the major project and, where the implementation period is expected to be longer than the programming period, the phases for which Union co-financing is requested during the 2007 to 2013 programming period; (e) a cost-benefit analysis, including a risk assessment and the foreseeable impact on the sector concerned and on the socio-economic situation of the Member State and/or the region and, when possible and where appropriate, of other regions of the Community; (f) an analysis of the environmental impact; (g) a justification for the public contribution; (h) the financing plan showing the total planned financial resources and the planned contribution from the Funds, the EIB, the EIF and all other sources of Community financing, including the indicative annual plan of the financial contribution from the ERDF or the Cohesion Fund for the major project. The Commission shall provide indicative guidance on the methodology to be used	Regulation (EU) No 539/2010 - 16 June 2010	replaced
Art. 41: Decision of the Commission	1	(1) The Commission shall appraise the major project, if necessary consulting outside experts, including the EIB, in the light of the factors referred to in Article 40, its consistency with the priorities of the operational programme, its contribution to achieving the goals of those priorities and its consistency with other Community policies.	(1) The Commission shall appraise the major project, if necessary consulting outside experts, including the EIB, in the light of the factors referred to in Article 40, its consistency with the priorities of the operational programme or programmes concerned , its contribution to achieving the goals of those priorities and its consistency with other Union policies.	Regulation (EU) No 539/2010 - 16 June 2010	replaced
	2	(2) The Commission shall adopt a decision as soon as possible but no later than three months after the submission by the Member State or the managing authority of a major project, provided that the submission is in accordance with Article 40. That decision shall define the physical object, the amount to which the co-financing rate for the priority axis applies, and the annual plan of financial contribution from the ERDF or the Cohesion Fund.	(2) The Commission shall adopt a decision as soon as possible but no later than three months after the submission by the Member State or the managing authority of a major project, provided that it is submitted in accordance with Article 40. That decision shall define the physical object, the amount to which the co-financing rate for the priority axis of the operational programme or programmes concerned applies, and the annual plan or plans of financial contribution from the ERDF or the Cohesion Fund.	Regulation (EU) No 539/2010 - 16 June 2010	replaced



Article/Annex amended	Paragraph	Original version (Original regulation or previous consolidated version in case of more than one amendment of the same article)	Consolidated version	Regulation amended by	Amend.
Art. 44: Financial engineering instruments		<p>When such operations are organised through holding funds, that is, funds set up to invest in several venture capital funds, guarantee funds, loan funds and urban development funds, the Member State or the managing authority shall implement them through one or more of the following forms:</p> <p>(a) the award of a public contract in accordance with applicable public procurement law;</p> <p>(b) in other cases, where the agreement is not a public service contract within the meaning of public procurement law, the award of a grant, defined for this purpose as a direct financial contribution by way of a donation:</p> <p>(i) to the EIB or to the EIF; or</p> <p>(ii) to a financial institution without a call for proposal, if this is pursuant to a national law compatible with the Treaty.</p>	<p>When such operations are organised through holding funds, that is, funds set up to invest in several venture capital funds, guarantee funds, loan funds and urban development funds, the Member State or the managing authority shall implement them through one or more of the following forms:</p> <p>(a) the award of a public contract in accordance with applicable public procurement law;</p> <p>(b) when the agreement is not a public service contract within the meaning of applicable public procurement law, the award of a grant, defined for this purpose as a direct financial contribution by way of donation to a financial institution without a call for proposals, if this is in accordance with a national law compatible with the Treaty;</p> <p>(c) the award of a contract directly to the EIB or the EIF.</p>	Council Regulation (EC) No 284/2009 - 7 April 2009	(b) replaced (c) added
Art. 44: Financial engineering instruments		<p>As part of an operational programme, the Structural Funds may finance expenditure in respect of an operation comprising contributions to support financial engineering instruments for enterprises, primarily small and medium-sized ones, such as venture capital funds, guarantee funds and loan funds, and for urban development funds, that is, funds investing in public-private partnerships and other projects included in an integrated plan for sustainable urban development.</p> <p>When such operations are organised through holding funds, that is, funds set up to invest in several venture capital funds, guarantee funds, loan funds and urban development funds, the Member State or the managing authority shall implement them through one or more of the following forms:</p>	<p>As part of an operational programme, the Structural Funds may finance expenditure in respect of an operation comprising contributions to support any of the following:</p> <p>(a) financial engineering instruments for enterprises, primarily small and medium-sized ones, such as venture capital funds, guarantee funds and loan funds;</p> <p>(b) urban development funds, that is, funds investing in public-private partnerships and other projects included in an integrated plan for sustainable urban development;</p> <p>(c) funds or other incentive schemes providing loans, guarantees for repayable investments, or equivalent instruments, for energy efficiency and use of renewable energy in buildings, including in existing housing.</p> <p>Where such operations are organised through holding funds, that is, funds set up to invest in several venture capital funds, guarantee funds, loan funds, urban development funds, funds or other incentive schemes providing loans, guarantees for repayable investments, or equivalent instruments, for energy efficiency and use of renewable energy in buildings, including in existing housing, the Member State or the managing authority shall implement them through one or more of the following forms:</p>	Regulation (EU) No 539/2010 - 16 June 2010	replaced
Art. 46(1): Technical assistance of the Member States		/	The EIB or the EIF may, upon request of the Member States, take part in technical assistance activities referred to in the first subparagraph.	Council Regulation (EC) No 284/2009 - 7 April 2009	added



Article/Annex amended	Paragraph	Original version (Original regulation or previous consolidated version in case of more than one amendment of the same article)	Consolidated version	Regulation amended by	Amend.
Art. 48: Responsibility of Member States	3	During the programming period, Member States shall carry out evaluations linked to the monitoring of operational programmes in particular where that monitoring reveals a significant departure from the goals initially set or where proposals are made for the revision of operational programmes, as referred to in Article 33. The results shall be sent to the monitoring committee for the operational programme and to the Commission.	During the programming period, Member States shall carry out evaluations linked to the monitoring of operational programmes in particular where that monitoring reveals a significant departure from the goals initially set. Where proposals are made for the revision of operational programmes, as referred to in Article 33, analyses shall be provided on the reasons for the revision, including any implementation difficulties, and the expected impact of the revision, including that on the strategy of the operational programme. The results of such evaluations or analyses shall be sent to the monitoring committee for the operational programme and to the Commission.	Regulation (EU) No 539/2010 - 16 June 2010	replaced
Art. 55: Revenue-generating projects	3	Where it is objectively not possible to estimate the revenue in advance, the revenue generated within five years of the completion of an operation shall be deducted from the expenditure declared to the Commission. The deduction shall be made by the certifying authority at the latest at partial or at final closure of the operational programme. The application for payment of the final balance shall be corrected accordingly.	Where it is objectively not possible to estimate the revenue in advance, the net revenue generated within five years of the completion of an operation shall be deducted from the expenditure declared to the Commission.	Regulation (EU) No 539/2010 - 16 June 2010	replaced
	4	Where, at the latest three years after closure of the operational programme, it is established that an operation has generated revenue that has not been taken into account under paragraphs 2 and 3, such revenue shall be refunded to the general budget of the European Union in proportion to the contribution from the Funds.	Where it is established that an operation has generated net revenue that has not been taken into account under paragraphs 2 and 3, such net revenue shall be deducted by the certifying authority at the latest on submission of the documents for the operational programme referred to in Article 89(1)(a). The application for payment of the final balance shall be corrected accordingly.	Regulation (EU) No 539/2010 - 16 June 2010	replaced
	5	Without prejudice to their obligations under Article 70(1), Member States may adopt procedures proportionate to the amounts concerned for monitoring revenues generated by operations whose total cost is below EUR 200 000.	(5) Paragraphs 1 to 4 of this Article shall apply only to operations which are co-financed by the ERDF or Cohesion Fund and the total cost of which exceeds EUR 1 000 000.	Council Regulation (EC) No 1341/2008 - 18 December 2008	replaced



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Art. 56: Eligibility of expenditure	2	<p>By way of derogation from paragraph 1, in-kind contributions, depreciation costs and overheads may be treated as expenditure paid by beneficiaries in implementing operations under the following conditions:</p> <p>(a) the eligibility rules laid down under paragraph 4 provide for the eligibility of such expenditure;</p> <p>(b) the amount of the expenditure is justified by accounting documents having a probative value equivalent to invoices;</p> <p>(c) in the case of in-kind contributions, the co-financing from the Funds does not exceed the total eligible expenditure excluding the value of such contributions.</p>	<p>By way of derogation from paragraph 1, contributions in kind, depreciation costs and overheads may be considered as incurred expenditure by beneficiaries for the implementation of operations under the conditions laid down in the third subparagraph of this paragraph.</p> <p>By way of derogation from paragraph 1, contributions in kind, as regards financial engineering instruments as defined in Article 78(6), first subparagraph, can be treated as expenditure paid at the constitution of the funds or holding funds or contributing to those funds or holding funds, under the conditions established in the third subparagraph of this paragraph. Expenditure mentioned in the first and second subparagraphs must fulfil the following conditions:</p> <p>(a) the eligibility rules drawn up on the basis of paragraph 4 foresee the eligibility of such expenditure;</p> <p>(b) the amount of the expenditure is duly justified by supporting documents having equivalent probative value to invoices, without prejudice to provisions set out in specific Regulations;</p> <p>(c) in the case of contributions in kind, the co-financing from the Funds does not exceed the total of eligible expenditure, excluding the value of such contributions.</p>	Council Regulation (EC) No 284/2009 - 7 April 2009	replaced
	3	<p>Expenditure shall be eligible for a contribution from the Funds only where incurred for operations decided on by the managing authority of the operational programme concerned or under its responsibility, in accordance with criteria fixed by the monitoring committee.</p> <p>New expenditure, added at the moment of the revision of an operational programme referred to in Article 33, shall be eligible from the date of the submission to the Commission of the request for revision of the operational programme.</p>	<p>Expenditure shall be eligible for a contribution from the Funds only where incurred for operations decided on by the managing authority of the operational programme concerned or under its responsibility, in accordance with criteria fixed by the monitoring committee.</p> <p>Where a new category of expenditure as referred to in Table 1 of Part A of Annex II to Commission Regulation (EC) No 1828/2006 (*) is added at the time of the revision of an operational programme referred to in Article 33 of this Regulation, any expenditure falling under such category shall be eligible from the date of the submission to the Commission of the request for revision of the operational programme.</p>	Regulation (EU) No 539/2010 - 16 June 2010	replaced

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Art. 57: Durability of operations	1	The Member State or managing authority shall ensure that an operation retains the contribution from the Funds only if that operation does not, within five years from the completion of the operation or three years from the completion of the operation in Member States which have exercised the option of reducing that time limit for the maintenance of an investment or jobs created by SMEs , undergo a substantial modification: (a) affecting its nature or its implementation conditions or giving to a firm or a public body an undue advantage; and (b) resulting either from a change in the nature of ownership of an item of infrastructure or the cessation of a productive activity.	The Member State or managing authority shall ensure that an operation comprising investment in infrastructure or productive investment retains the contribution from the Funds only if it does not, within five years from its completion, undergo a substantial modification which is caused by a change in the nature of ownership of an item of infrastructure or the cessation of a productive activity and which affects the nature or the implementation conditions of the operation or gives to a firm or a public body an undue advantage. Actions falling within the scope of assistance from the ESF shall be considered as not having retained the contribution only where they are subject to an obligation for maintenance of investment under the applicable rules on State aid within the meaning of Article 107 of the Treaty on the Functioning of the European Union and where they undergo a substantial modification as a result of the cessation of productive activity within the period laid down in those rules. Member States may reduce the time limit set out in the first subparagraph to three years in cases concerning the maintenance of investments by small and medium- sized enterprises.	Regulation (EU) No 539/2010 - 16 June 2010	replaced
	5	/	Paragraphs 1 to 4 shall not apply to any operation which undergoes a substantial modification as a result of the cessation of the productive activity due to a non-fraudulent bankruptcy.	Regulation (EU) No 539/2010 - 16 June 2010	added
Art. 67: Annual report and final report on implementation	2	(b) the financial implementation of the operational programme, detailing for each priority axis: (i) the expenditure paid out by the beneficiaries included in applications for payment sent to the managing authority and the corresponding public contribution; (ii) the total payments received from the Commission and quantification of the financial indicators referred to in Article 66(2); and (iii) the expenditure paid out by the body responsible for making payments to the beneficiaries, Where appropriate, financial implementation in areas receiving transitional support shall be presented separately within each operational programme;	(b) quantification of the financial indicators referred to in Article 66(2) expressing the cumulative financial implementation of the operational programme, detailing for each priority axis the following: (i) the total amount of certified eligible expenditure paid by beneficiaries and the corresponding public contribution; (ii) the ratio between the total amount of certified eligible expenditure paid by the beneficiaries and the total funding of the programme including Union funding and national counterpart. Where appropriate, financial implementation in areas receiving transitional support shall be presented separately within each operational programme;	Regulation (EU) No 539/2010 - 16 June 2010	replaced
Art. 78: Statement of expenditure	1	Expenditure paid by beneficiaries shall be supported by receipted invoices or accounting documents of equivalent probative value.	Expenditure paid by beneficiaries shall be supported by receipted invoices or accounting documents of equivalent probative value, unless otherwise provided in specific Regulations for each Fund.	Council Regulation (EC) No 284/2009 - 7 April 2009	replaced



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	2	By way of derogation from paragraph 1, as regards State aid within the meaning of Article 87 of the Treaty, the statement of expenditure may include advances paid to the beneficiaries by the body granting the aid, under the following cumulative conditions: (a) they shall be subject to a bank guarantee or a financial public facility having an equivalent effect; (b) they shall not exceed 35 % of the total amount of the aid to be granted to a beneficiary for a given project; (c) they shall be covered by expenditure paid by beneficiaries [...]	By way of derogation from paragraph 1, as regards State aid within the meaning of Article 87 of the Treaty, the statement of expenditure may include advances paid to the beneficiaries by the body granting the aid, under the following cumulative conditions: (a) they shall be subject to a bank guarantee or a financial public facility having an equivalent effect; (c) they shall be covered by expenditure paid by beneficiaries [...]	Council Regulation (EC) No 284/2009 - 7 April 2009	(b) deleted
	2	By way of derogation from paragraph 1, as regards State aid within the meaning of Article 87 of the Treaty, the statement of expenditure may include advances paid to the beneficiaries by the body granting the aid, under the following cumulative conditions: (a) they shall be subject to a bank guarantee or a financial public facility having an equivalent effect; (b) they shall not exceed 35 % of the total amount of the aid to be granted to a beneficiary for a given project; (c) they shall be covered by expenditure paid by beneficiaries in implementing the project and supported by receipted invoices or accounting documents of equivalent probative value at the latest three years after the year of the payment of the advance or on 31 December 2015, whichever earlier; if they are not, the next statement of expenditure shall be corrected accordingly.	By way of derogation from paragraph 1, as regards State aid within the meaning of Article 87 of the Treaty, the statement of expenditure may include advances paid to the beneficiaries by the body granting the aid, under the following cumulative conditions: (a) they shall be subject to a guarantee provided by a bank or other financial institution established in a Member State; (c) they shall be covered by expenditure paid by beneficiaries in implementing the project and supported by receipted invoices or accounting documents of equivalent probative value at the latest three years after the year of the payment of the advance or on 31 December 2015, whichever earlier; if they are not, the next statement of expenditure shall be corrected accordingly. A facility provided as a guarantee by a public entity or by the Member State itself shall be considered equivalent to a guarantee referred to in point (a) in the first subparagraph.	Regulation (EU) No 539/2010 - 16 June 2010	replaced (b) deleted by Council Regulation (EC) No 284/2009 - 7 April 2009
	4	In the case of major projects as defined in Article 39, only expenditure related to major projects already adopted by the Commission may be included in statements of expenditure.	When, in application of Article 41(3), the Commission refuses to make a financial contribution to a major project, the expenditure declaration following the adoption of the Commission decision must be rectified accordingly.	Council Regulation (EC) No 284/2009 - 7 April 2009	replaced



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	6	<p>By way of derogation from paragraph 1, as regards financial engineering instruments as defined in Article 44, the statement of expenditure shall include the total expenditure paid in establishing or contributing to such funds or holding funds.</p> <p>However, at the partial or final closure of the operational programme, eligible expenditure shall be the total of:</p> <p>(a) any payments from urban development funds for investment in public private partnerships or other projects included in an integrated plan for urban development; or</p> <p>(b) any payments for investment in enterprises from each of the abovementioned funds; or</p> <p>(c) any guarantees provided including amounts committed as guarantees by guarantee funds; and</p> <p>(d) eligible management costs.</p> <p>The co-financing rate shall be applied to the eligible expenditure paid by the beneficiary.</p> <p>The corresponding statement of expenditure shall be corrected accordingly.</p>	<p>By way of derogation from paragraph 1, as regards financial engineering instruments as defined in Article 44, the statement of expenditure shall include the total expenditure paid in establishing or contributing to such funds or holding funds.</p> <p>However, at the partial or final closure of the operational programme, eligible expenditure shall be the total of:</p> <p>(a) any payments from urban development funds for investment in public private partnerships or other projects included in an integrated plan for urban development; or</p> <p>(b) any payments for investment in enterprises from each of the abovementioned funds; or</p> <p>(c) any guarantees provided including amounts committed as guarantees by guarantee funds; and</p> <p>(d) eligible management costs or fees; and</p> <p>(e) any loans or guarantees for repayable investments from funds or other incentive schemes providing loans, guarantees for repayable investments, or equivalent instruments, for energy efficiency and use of renewable energy in buildings, including in existing housing.</p> <p>The co-financing rate shall be applied to the eligible expenditure paid by the beneficiary.</p> <p>The corresponding statement of expenditure shall be corrected accordingly.</p>	Regulation (EU) No 539/2010 - 16 June 2010	replaced
	7	<p>Interest generated by payments from operational programmes to funds as defined in Article 44, shall be used to finance urban development projects in the case of urban development funds or financial engineering instruments for small and medium-sized enterprises in other cases.</p> <p>Resources returned to the operation from investments undertaken by funds as defined in Article 44 or left over after all guarantees have been honoured shall be reused by the competent authorities of the Member States concerned for the benefit of urban development projects or of small and medium-sized enterprises.</p>	<p>Interest generated by payments from operational programmes to funds as defined in Article 44 shall be used to finance any of the following:</p> <p>(a) urban development projects in the case of urban development funds;</p> <p>(b) financial engineering instruments for small and medium-sized enterprises;</p> <p>(c) in the case of funds or other incentive schemes providing loans, guarantees for repayable investments, or equivalent instruments, for energy efficiency and use of renewable energy in buildings, including in existing housing.</p> <p>Resources returned to the operation from investments undertaken by funds as defined in Article 44 or left over after all guarantees have been honoured shall be reused by the competent authorities of the Member States concerned for the benefit of urban development projects, of small and medium-sized enterprises or for energy efficiency and use of renewable energy in buildings, including in existing housing.</p>	Regulation (EU) No 539/2010 - 16 June 2010	replaced



Article/Annex amended	Paragraph	Original version (Original regulation or previous consolidated version in case of more than one amendment of the same article)	Consolidated version	Regulation amended by	Amend.
Art. 82: Payment	1	The pre-financing amount shall be paid in different instalments as follows: (a) for Member States of the European Union as constituted before 1 May 2004, in 2007 2 % of the contribution from the Structural Funds to the operational programme, and in 2008 3 % of the contribution from the Structural Funds to the operational programme; (b) for Member States that acceded to the European Union on or after 1 May 2004, in 2007 2 % of the contribution from the Structural Funds to the operational programme, in 2008 3 % of the contribution from the Structural Funds to the operational programme, and in 2009 2 % of the contribution from the Structural Funds to the operational programme; (c) if the operational programme falls under the European territorial cooperation objective and at least one of the participants is a Member State that acceded to the European Union on or after 1 May 2004, in 2007 2 % of the contribution from the ERDF to the operational programme, in 2008 3 % of the contribution from the ERDF to the operational programme, and in 2009 2 % of the contribution from the ERDF to the operational programme;	The pre-financing amount shall be paid in different instalments as follows: (a) for Member States of the European Union as constituted before 1 May 2004: in 2007 2 % of the contribution from the Structural Funds to the operational programme, in 2008 3 % of the contribution from the Structural Funds to the operational programme, and in 2009 2,5 % of the contribution from the Structural Funds to the operational programme; (b) for Member States that acceded to the European Union on or after 1 May 2004: in 2007 2 % of the contribution from the Structural Funds to the operational programme, in 2008 3 % of the contribution from the Structural Funds to the operational programme and in 2009 4 % of the contribution from the Structural Funds to the operational programme; (c) if the operational programme falls under the European territorial cooperation objective and at least one of the participants is a Member State that acceded to the European Union on or after 1 May 2004, in 2007 2 % of the contribution from the ERDF to the operational programme, in 2008 3 % of the contribution from the ERDF to the operational programme and in 2009 4 % of the contribution from the ERDF to the operational programme;	Council Regulation (EC) No 284/2009 - 7 April 2009	replaced
	1	/	(f) for Member States that were granted loans in 2009 in accordance with Council Regulation (EC) No 332/2002 of 18 February 2002 establishing a facility providing medium-term assistance for Member States' balances of payments (*) or for Member States with a decrease in GDP in 2009 of more than 10 % in real terms in comparison to 2008: in 2010, 2 % of the contribution from the Cohesion Fund and 4 % of the contribution from the ESF to the operational programme. For the purpose of applying the criteria referred to in point (f) of the second subparagraph, GDP figures shall be based on Community statistics published in November 2009 (*). (*) OJ L 53, 23.2.2002, p. 1.';	Regulation (EU) No 539/2010 - 16 June 2010	added
Art. 88: Partial closure	3	/	However, in cases where irregularities in operations which have been subject to a declaration of partial closure are detected by the Member State, Article 98(2) and (3) shall apply. The statement of expenditure referred to in paragraph 2(a) of this Article shall be adjusted accordingly.	Regulation (EU) No 539/2010 - 16 June 2010	added



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Art. 93: Principles	1	The Commission shall automatically decommit any part of a budget commitment in an operational programme that has not been used for payment of the pre-financing or interim payments or for which an application for payment has not been sent in conformity with Article 86 by 31 December of the second year following the year of budget commitment under the programme, with the exception mentioned in paragraph 2.	The Commission shall automatically decommit any part of the amount calculated in accordance with the second subparagraph in an operational programme that has not been used for payment of the pre-financing or interim payments or for which an application for payment has not been sent in conformity with Article 86 by 31 December of the second year following the year of budget commitment under the programme, with the exception mentioned in paragraph 2. For the purpose of the automatic decommitment, the Commission shall calculate the amount by adding one sixth of the annual budget commitment related to the 2007 total annual contribution to each of the 2008 to 2013 budget commitments.	Regulation (EU) No 539/2010 - 16 June 2010	replaced
	2a	/	By way of derogation from the first subparagraph of paragraph 1 and from paragraph 2, the deadlines for automatic decommitment shall not apply to the annual budget commitment related to the 2007 total annual contribution.	Regulation (EU) No 539/2010 - 16 June 2010	added
Art. 94: Period for interruption for major projects and aid schemes	1	When the Commission takes a decision to authorise a major project or an aid scheme , the amounts potentially concerned by automatic decommitment shall be reduced by the annual amounts concerned by such major projects or aid schemes. For these annual amounts, the starting date for the calculation of the automatic decommitment deadlines referred to in Article 93 shall be the date of the subsequent decision necessary in order to authorise such major projects or aid schemes.	Where the Member State submits a major project application which meets all the requirements laid down in Article 40 , the amounts potentially concerned by automatic decommitment shall be reduced by the annual amounts concerned by such major projects. Where the Commission takes a decision to authorise an aid scheme , the amounts potentially concerned by automatic decommitment shall be reduced by the annual amounts concerned by such aid schemes.	Regulation (EU) No 539/2010 - 16 June 2010	replaced
	2	/	For the annual amounts referred to in paragraph 1 , the starting date for the calculation of the automatic decommitment deadlines referred to in Article 93 shall be the date of the subsequent decision necessary in order to authorise such major projects or aid schemes.	Regulation (EU) No 539/2010 - 16 June 2010	new
Annex III: Ceilings applicable to co-financing rates		Criteria: (1) Member States whose average GDP per capita for the period 2001 to 2003 was below 85 % of the EU-25 average during the same period. Member States: (1) Czech Republic, Estonia, Greece, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Portugal, Slovenia, Slovakia	Criteria: (1) Member States whose average GDP per capita for the period 2001 to 2003 was below 85 % of the EU-25 average during the same period Member States: (1) Bulgaria , Czech Republic, Estonia, Greece, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Portugal, Romania , Slovenia, Slovakia	Council Regulation (EC) No 1989/2006 - 21 December 2006	replaced